



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

EPA REGION 1

1 Congress Street, Suite 1100 (SEL)  
Boston, MA 02114-2023

HUGH W. MARTINEZ  
direct: (617) 918-1867

OFFICE OF  
ENVIRONMENTAL STEWARDSHIP

BY FEDERAL EXPRESS

August 16, 2005

Michael P. Iannotti, Assistant U.S. Attorney  
Office of the United States Attorney  
District of Rhode Island  
Fleet Center  
50 Kennedy Plaza, 8<sup>th</sup> Floor  
Providence, RI 02903

Re: United States v. Cosmed Group, Inc.: Filing of Consent Decree and Complaint

Dear Mr. <sup>Mike</sup> Iannotti:

Enclosed for filing you will find an original Complaint, Consent Decree, and Notice of Lodging. For your convenience, I have also enclosed one copy of each, as well as a copy of the six state notice letters I've issued on this date, as required by the Clean Air Act.

Please review and sign the Complaint, Consent Decree, and Notice of Lodging so, as we have discussed, they can be filed with the Court first thing Thursday morning, August 18, 2005. Upon lodging, I would appreciate it if you would notify me by phone (or e-mail) to confirm lodging and to provide the civil action number assigned to this matter. Also, please forward complete, file-stamped copies of the documents to me, Peter Flynn, and counsel for Cosmed at the address listed in paragraph 65 of the Decree.

I appreciate your prompt attention to the above and look forward to speaking with you soon. Please note that I will be out on vacation beginning August 19<sup>th</sup> through August 26<sup>th</sup>, inclusive.

Sincerely,

Hugh W. Martinez  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1 (New England)

and DOJ Special Attorney  
U.S. Department of Justice  
Environmental Enforcement Section

**Enclosures**

cc: Peter Flynn, DOJ/EES  
Rebecca Kurowski, EPA Region 1 (by LAN, w/o enclosures)  
National Cosmed Case Team Members (by LAN)



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**Via Federal Express**

W. Michael Sullivan, Director  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence RI 02908  
Attention: Stephen Majkut, PE, Chief

AUG 16 2005

Re: *United States v. Cosmed Group, Inc.*

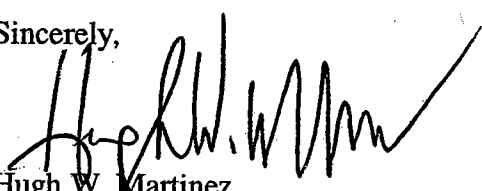
Dear Director Sullivan:

Pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), the United States hereby gives notice to the State of Rhode Island of the commencement of the above-referenced civil enforcement action. A copy of the complaint is enclosed.

The parties have negotiated a consent decree which, upon entry by the court, would resolve the action. A copy of the consent decree is also enclosed.

Please contact me if you have any questions.

Sincerely,

  
Hugh W. Martinez  
DOJ Special Attorney  
U.S. Department of Justice  
Environmental Enforcement Section

and

Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1 (New England)

Enclosures

cc: Patrick C. Lynch, Rhode Island Attorney General  
Michael P. Iannotti, Rhode Island U.S. Attorney's Office (w/out enclosures)  
Peter Flynn, U.S. Department of Justice (w/out enclosures)

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**Via Federal Express**

Douglas P. Scott, Director  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794-9276

AUG 16 2005

Re: *United States v. Cosmed Group, Inc.*

Dear Director Scott:

Pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), the United States hereby gives notice to the State of Illinois of the commencement of the above-referenced civil enforcement action. A copy of the complaint is enclosed.

The parties have negotiated a consent decree which, upon entry by the court, would resolve the action. A copy of the consent decree is also enclosed.

Please contact me if you have any questions.

Sincerely,

Hugh W. Martinez  
DOJ Special Attorney and  
U.S. Department of Justice  
Environmental Enforcement Section

Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1 (New England)

Enclosures

cc: Lisa Madigan, Attorney General for the State of Illinois  
Michael P. Iannotti, Rhode Island U.S. Attorney's Office (w/out enclosures)  
Peter Flynn, U.S. Department of Justice (w/out enclosures)  
Joanna S. Glowacki, U.S. EPA Region 5 (w/out enclosures)



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**Via Federal Express**

Ed Choromanski, Director of Air Compliance and Enforcement  
New Jersey Department of Environmental Protection  
401 East State Street  
Trenton, New Jersey 08625-0422

AUG 16 2005

Re: *United States v. Cosmed Group, Inc.*

Dear Director Choromanski:

Pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), the United States hereby gives notice to the State of New Jersey of the commencement of the above-referenced civil enforcement action. A copy of the complaint is enclosed.

The parties have negotiated a consent decree which, upon entry by the court, would resolve the action. A copy of the consent decree is also enclosed.

Please contact me if you have any questions.

Sincerely,

Hugh W. Martinez  
DOJ Special Attorney                      and  
U.S. Department of Justice  
Environmental Enforcement Section

Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1 (New England)

Enclosures

cc: Scott Dubin, Deputy Attorney General, Environmental Enforcement  
New Jersey Office of the Attorney General  
Michael P. Iannotti, Rhode Island U.S. Attorney's Office (w/out enclosures)  
Peter Flynn, U.S. Department of Justice (w/out enclosures)  
John F. Dolinar, U.S. EPA Region 2 (w/out enclosures)

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OFFICE OF  
ENVIRONMENTAL STEWARDSHIP

**Via Federal Express**

Paul Sarahan, Director  
Texas Commission on Environmental Quality  
Litigation Division  
Building A  
12100 Park 35 Circle  
Austin, Texas 78753

AUG 16 2005

Re: *United States v. Cosmed Group, Inc.*

Dear Director Sarahan:

Pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), the United States hereby gives notice to the State of Texas of the commencement of the above-referenced civil enforcement action. A copy of the complaint is enclosed.

The parties have negotiated a consent decree which, upon entry by the court, would resolve the action. A copy of the consent decree is also enclosed.

Please contact me if you have any questions.

Sincerely,

Hugh W. Martinez  
DOJ Special Attorney  
U.S. Department of Justice  
Environmental Enforcement Section

and

Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1 (New England)

Enclosures

cc: Tony Benedict, Texas Assistant Attorney General for Natural Resources  
Michael P. Iannotti, Rhode Island U.S. Attorney's Office (w/out enclosures)  
Peter Flynn, U.S. Department of Justice (w/out enclosures)  
Patricia Capps Welton, U.S. EPA Region 6 (w/out enclosures)

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**Via Federal Express**

Cindy Tuck, Chair  
California Air Resources Board  
1001 "I" Street  
Sacramento, CA 95812

AUG 16 2005

Re: *United States v. Cosmed Group, Inc.*

Dear Ms. Tuck:

Pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), the United States hereby gives notice to the State of California of the commencement of the above-referenced civil enforcement action. A copy of the complaint is enclosed.

The parties have negotiated a consent decree which, upon entry by the court, would resolve the action. A copy of the consent decree is also enclosed.

Please contact me if you have any questions.

Sincerely,

Hugh W. Martinez  
DOJ Special Attorney and  
U.S. Department of Justice  
Environmental Enforcement Section

Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1 (New England)

Enclosures

cc: Bill Lockyer, California Attorney General  
Michael P. Iannotti, Rhode Island U.S. Attorney's Office (w/out enclosures)  
Peter Flynn, U.S. Department of Justice (w/out enclosures)  
Daniel Reich, U.S. EPA Region 9 (w/out enclosures)

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OFFICE OF  
ENVIRONMENTAL STEWARDSHIP

**Via Federal Express**

The Honorable Kendl P. Philbrick, Secretary  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

AUG 16 2005

Re: *United States v. Cosmed Group, Inc.*

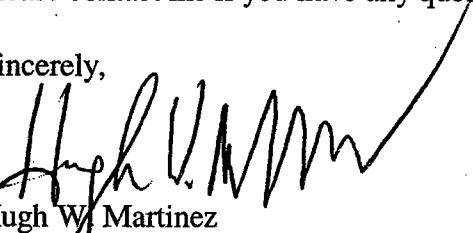
Dear Secretary Philbrick:

Pursuant to Section 113(b) of the Clean Air Act, 42 U.S.C. § 7413(b), the United States hereby gives notice to the State of Maryland of the commencement of the above-referenced civil enforcement action. A copy of the complaint is enclosed.

The parties have negotiated a consent decree which, upon entry by the court, would resolve the action. A copy of the consent decree is also enclosed.

Please contact me if you have any questions.

Sincerely,

  
Hugh W. Martinez  
DOJ Special Attorney                      and  
U.S. Department of Justice  
Environmental Enforcement Section

Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1 (New England)

Enclosures

cc: J. Joseph Curran, Jr., Attorney General for the State of Maryland  
Michael P. Iannotti, Rhode Island U.S. Attorney's Office (w/out enclosures)  
Peter Flynn, U.S. Department of Justice (w/out enclosures)  
Dennis M. Abraham, U.S. EPA Region 3 (w/out enclosures)

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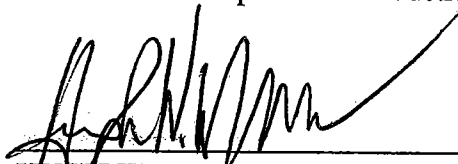


**In the meantime, the United States requests that the Court take no action with respect to the lodged Consent Decree until the United States moves for the entry of the Consent Decree or otherwise advises the Court.**

Respectfully submitted,

KELLY A. JOHNSON  
Acting Assistant Attorney General  
Envir. and Natural Resources Div.  
United States Department of Justice

Dated: 8-16-05

  
\_\_\_\_\_  
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\_\_\_\_\_  
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